

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully requested.

In the Office Action under reply, claims 1-14, all the claims then present in this application, were rejected primarily in view of published PCT application WO 02/39737 (Asada). The Examiner explained that he was relying upon the published PCT application, which he was interpreting with the U.S. published application that allegedly is based upon the published PCT application. For convenience, ease of understanding of the following discussion and to be consistent with the Office Action, the published PCT application, as interpreted by the published U.S. application, is referred to merely as Asada. Asada was relied upon as an anticipatory reference to reject claims 1, 2, 4, 5, 7-9, 11, 12 and 14. Asada was combined with U.S. Patent 7,047,305 (Brooks) to reject claims 3 and 10 under 35 USC 103. Asada was combined with U.S. Patent 5,359,464 (Wilkinson) to reject claims 6 and 13 under 35 USC 103.

By this amendment, claims 1 and 8 are amended to particularly recite the generation of the sub-frame information, which is combined with the image data and transmitted. The sub-frame information is illustrated in Figs. 2, 3, 7 and 12 as DM-BN, and is described at, for example, paragraphs [0039]-[0045] and [0092] of Applicant's corresponding published application. This sub-frame information "identif[ies] each frame included in each of the frame periods of the reference frame rate FRr when the set frame rate FRs is set to be higher than the reference frame rate FRr" (see paragraph [0039] of Applicant's published application). This sub-frame information enables an operator to quickly and precisely identify those frames of the image data having a frame rate other than the reference frame rate, thereby permitting easy speed

changes to effect desired special effects, such as slow motion and fast motion, on such image data that does not exhibit the reference frame rate.

Notwithstanding the assertion set out in the rejection of claim 5 at page 4 of the Office Action under reply, it is respectfully submitted that the portions of Asada particularly referenced and cited by the Examiner do not describe the generation of such sub-frame information.

Applicant's claim 1, for example, particularly recites:

generating sub-frame information identifying the frames of said image data having said set frame rate that are higher than a reference frame rate and that are included in a frame period defined by said reference frame rate.

Paragraphs [0124]-[0129] of Asada, particularly referenced by the Examiner, describe rate information but fail to describe sub-frame information of the type specified in Applicant's claim 1 and described in Applicant's specification. While Asada states that the rate information may be recorded with the video signal (see paragraph [0133]), there is no suggestion herein of generating or recording sub-frame information of the type claimed by Applicant. Accordingly, claim 1 is not anticipated by Asada, and is in condition for allowance.

Applicant's claim 8 defines the method performed by the apparatus of claim 1. Claim 8 includes substantially the same limitations as are recited in claim 1, and as discussed above. It follows, then, that claim 8, like claim 1, is not anticipated by Asada.

The remaining claims in this application depend either from claim 1 or from claim 8. Since these dependent claims include all of the limitations recited by the independent claim from which they depend, these dependent claims likewise are patentably distinct over Asada.

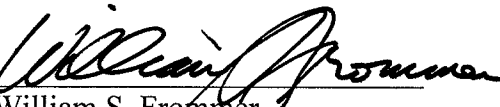
Therefore, the withdrawal of the rejections of claims 1-4, 6-11 and 13-14, all the claims remaining in this application, and the issuance of the Notice of Allowance are respectfully solicited.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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